

IFW

Attorney Docket No. 20862.00

Customer No. 37833

Confirmation No. 4743

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN THE *PATENT* APPLICATION OF:

APPLICANT : **KAREN E. REDFIELD *et al.***

APPL. NO. : **10/607,266**

ART UNIT : **3643**

FILED : **JUNE 27, 2003**

EXAMINER: **J. GELLNER**

TITLE : **GROW POLE**

MAIL STOP RESPONSE
COMMISSIONER FOR PATENTS
ALEXANDRIA, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In the Office Action dated February 26, 2004, the Examiner required restriction under 35 U.S.C. § 121 prior to an examination on the merits of the above-identified application. The separate inventions identified by the Examiner are as follows:

- I. Claims 1-9, drawn to a grow pole.
- II. Claims 10-20, drawn to a method of making a grow pole.

The Examiner states that the inventions of Groups I and II are related as product and process of making the product. In order to establish that the separate inventions of Groups I and II are distinct, the

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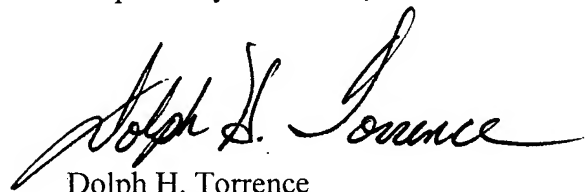
Examiner asserts that the process of Group II can be used to make a product materially different from that of Group I, such as a water fountain.

In compliance with the Examiner's requirement, Applicant provisionally elects with traverse for further prosecution the product defined by Claims 1-9 (designated as Group "I").

Notwithstanding the propriety of the restriction requirement for examination purposes, it should be pointed out that such a requirement is discretionary on the part of the Examiner. Moreover, it would appear that a search and examination of the entire application can be conducted without a serious burden on the Office.

Therefore, it is respectfully requested that the Examiner withdraw the restriction requirement and issue an action on the merits of the claimed embodiments presently in the application. Alternatively, should the Examiner maintain the requirement, Applicant awaits a complete action on the merits of the elected subject matter.

Respectfully submitted,



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DHT:RCL